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In the Matter of Bloom Management Services Private Limited Vs....

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Court : Delhi

Decided On : Sep-16-2019

Appellant : In the Matter of Bloom Management Services Private Limited

Respondent : ...

Advocate for Pet/Ap. : Ms. Isha Khanna

Judgement :

$~C-52 * % IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

16. 09.2019 + CO.PET. 17/2019 IN THE MATTER OF BLOOM MANAGEMENT SERVICES PRIVATE LIMITED Through: Ms. Isha Khanna, Advocate for Official Liquidator .....

... Petitioner
CORAM: HON'BLE MS. JUSTICE JYOTI SINGH JYOTI SINGH, J.

(ORAL) 1. This is a petition filed under Section 497 (6) read with Section 497 (3) of the Companies Act, 1956 and Rule 323 of the Companies (Court) Rules, 1959 by the Official Liquidator for voluntary winding of Bloom Management Services Private Limited.

2. The company has passed a Special Resolution in its Extraordinary General Meeting held on 18.05.2011 for voluntary winding up of the company. Mr. Sachin Vasudeva was appointed as a Voluntary Liquidator of the company.

3. The Registrar of Companies was informed regarding the voluntary winding up and the appointment of the Voluntary Liquidator. Notices under Rule 315 of the Companies (Court) Rules, 1959 were issued and filed Form No.152 & 149 for declaration of solvency with Registrar of Companies and also other requisite forms were filed with the Registrar of Companies. CO.PET. 17/2019 Page 1 of 3 4. The Voluntary Liquidator has filed the requisite forms, notices were published in the newspapers namely The Statesman (English) & Veer Arjun (Hindi) and the Official Gazette on 26.05.2011, 25.05.2011 & 30.05.2011, respectively, along with Memorandum of Association and Article of Association with the office of the Official Liquidator.

5. Pursuant to Section 497 of the Companies Act, final Extraordinary General Meeting of Members was held on 06.03.2012 and the Voluntary Liquidator filed the final accounts of the company in Form No.156 & 157 as prescribed under Rules 329 & 331 of the Companies (Court) Rules, 1959 before Registrar of Companies. In compliance of the provisions of Section 497 (2) of the Companies Act, 1956, the Liquidator has published a notification in respect of the final meeting of members held on 06.03.2012 in newspapers The Statesman & Veer Arjun (Hindi) on 22.12.2011 and Official Gazette on 28.01.2012.

6. The Official Liquidator has received No Objection Certificate from the Registrar of Companies, No Dues Certificate from Income Tax Department. The Voluntary Liquidator has filed an affidavit with the Official Liquidator declaring that there are no outstanding dues / claims pending with any Government Department against the company and / or against its Directors before any Court of Law and an indemnity bond to the said effect has also been filed.

7. The Official Liquidator has scrutinized the record submitted by the Voluntary Liquidator and has recorded satisfaction that necessary compliance of Section 497 of the Companies Act, 1956 and the other relevant provisions of the Companies Act, 1956 have been made and that the CO.PET. 17/2019 Page 2 of 3 affairs of the company has not been conducted in a manner prejudicial to the interest of its members or to the public.

8. The Official Liquidator, in the circumstances, has sought order for winding up and final dissolution of the company from the date of filing of the Petition i.e. 16.09.2019 9. In view of the above and satisfaction recorded by the Official Liquidator, the company is wound up and shall be deemed to be dissolved with effect from the date of filing of the petition i.e. 16.09.2019.

10. Copy of order be filed with Registrar of Companies within the statutory period as per the act by the Official Liquidator.

11. The petition is disposed of. SEPTEMBER16 2019 pkb JYOTI SINGH, J CO.PET. 17/2019 Page 3 of 3

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